

REMARKS

Applicants respectfully request the Examiner to confirm the correct Washington, D.C. correspondence address for counsel of record (the undersigned) and then to reconsider their application.

The amended claims find basis in the original application throughout, including Examples 14-16 and 18. The amended claim 1 also includes language from claim 4. Amended claim 53 includes from claim 56. Amended claim 63 includes language from claim 71. Amended claim 72 includes language from claim 79.

Please reconsider and withdraw the objection/rejection under 35 U.S.C. §112 (¶1, ¶2). The specification, including the Examples, provides a written description that would have enabled a person skilled in the art, or the art to which the claimed inventions most nearly pertain, to make, use and practice the claimed inventions without undue experimentation. The claim terminology reasonably informs a person skilled in the art what the invention is and its scope.

Applicants traverse the rejection of claims 1-9 and 44-82 under U.S.C. §103(a) over Kazan, U.S. Patent No. 4,259,521.

The present invention relates to a process for producing optically active 4-amino-2-methylbutane-1-ol by subjecting racemic 4-amino-2-methylbutane-1-ol to an optical resolution by the use of optically active mandelic acid derivative etc. by (according to) diastereomer method.

The Office Action states the art is not predictable:

"There is **no predictability** that any possible optically active acid would indeed form a convenient pair of enantiomers that are separated by any method of separation in any solvent or solvent combination."

Office Action, page 5 (emphasis added).

If, *arguendo*, the art is as unpredictable as posited in the Office Action, it is surprising indeed that the Examiner would conjecture that the present claimed inventions would have been obvious over the Kazan reference. It will be appreciated that unpredictability vitiates one of the factual predicates for an obviousness rejection.

Additionally, the present invention produces optically active 4-amino-2-methylbutane-1-ol, i.e. δ - amino alcohol, a main (skeleton) structure of which is quite different from that of β -amino alcohol as exemplified in the Kazan reference. Therefore, the present invention has a feature that even an optically active reagent for optical resolution other than mandelic acid derivative can produce a diastereomeric salt. Optically active reagents for optical resolution, besides a mandelic acid derivative, include such illustrative organic acids as dibenzoyl tartaric acid, 10-camphorsulfonic acid, 3-phenyllactic acid and N-acetyl-(D)-valine. These optically active reagents are exemplified in the Examples. They are representative of the optically active reagents that specifically form a diastereomeric salt with racemic 4-amino-2-methylbutane-1-ol. These and other aspects of the claimed inventions would not have been obvious over the Kazan reference.

It is furthermore respectfully submitted that the diastereomeric salts shown in the Examples are novel compounds. Registry Numbers thereof were granted by citing the present invention.

A process for decomposing an alkali metal salt of an optically active organic acid into an alcohol having a low solubility is an effective process which may increase both recovery yields of optically active 4-amino-2-methylbutane-1-ol and an alkali metal salt of an optically active organic acid. (See Examples 11, 12 and 13.) This unique process is neither disclosed in nor would have been obvious over the Kazan reference.

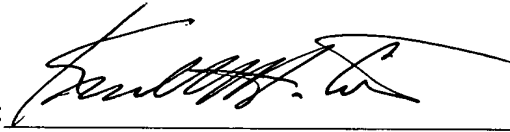
Please reconsider and withdraw the rejection.

Appl. No. 10/070,365
Amdt. dated November 26, 2003
Reply to Office Action of August 27, 2003

Having addressed all matters, Applicants respectfully request a Notice of Allowance.

Respectfully submitted,

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